Please provide an explanation that lays out the basis for this conclusion. On the surface it appears that if the flare was out of operation then it did not contribute to the facility's emissions – it was shut down. Now once it is activated it will contribute.

Determining whether a major modification will occur at a particular source requires a sequential analysis of several factors. These factors are discussed in the preamble to the PSD regulations at 45 Fed. Reg. 52676, 52698 (August 7, 1980). The factors may be grouped under two basic questions: Would the reactivation entail a "physical change in or change in the method of operation of a major stationary source"? If so, would the change "result in a significant net emissions increase of any pollutant subject to regulation under the Act"? See 40 C.F.R. § 52.21(b)(2)(i).

A. Physical Change or-Change in the Method of Operation of the plant

This requirement of a major modification is satisfied if either a physical or operational change would occur. In this case, it would seem that the start-up operation of the flare would constitute both a physical and an operational change in the facility.

1. Physical-Change.

The rehabilitation work necessary to make the flare operational would constitute a "physical change" at a major stationary source.   Consistent with an earlier determination (Memo Dated July 28, 1980 from William Sawyer to Edward Reich Concerning Applicability of PSD Regulations to the Babylon #2Incinerator dated September 6, 1978), a source which has been shut down would be a new source for PSD purposes upon reopening if the shutdown was permanent. Whether a shutdown was permanent depends upon the intention of the owner or operator at the time of the shutdown as determined from all the facts and circumstances, including the cause of the shutdown and the handling of the shutdown by the permitting agency.

PADEP Deactivation Requirements
 Additionally, the facility must demonstrate that it followed the requirements of PADEP's deactivation requirements at the time of deactivation; otherwise it is considered shutdown.